

PTO/SB/97 (12-97)

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Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Application No. (if known): 09/891,875 Attorney Docket No.: 03795/000J514-US0

## Certificate of Transmission Under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office

on December 12, 2003  
Date

  
Signature

Rochelle Flowers  
Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

Certificate of Transmission under 37 CFR 1.8 (1 page);  
Request under 37 C.F.R. 1.181 to Withdraw the Holding of Abandonment  
(4 pages); and  
Exhibits A-K (31 pages).

DEC 11 2003

**OFFICIAL****FAX TRANSMISSION****DATE:** December 12, 2003**PTO IDENTIFIER:** Application Number 09/891,875-Conf. #9036  
Patent Number**Inventor:** Harold Cote, et al.**MESSAGE TO:****FAX NUMBER:** (703) 872-9306**FROM:** DARBY & DARBY P.C.

Alphonso A. Collins

**PHONE:** (212) 836-3726**Attorney Dkt. #:** 03795/000J514-US0**PAGES (Including Cover Sheet):** 37**CONTENTS:** Certificate of Transmission under 37 CFR 1.8 (1 page); Request under 37 C.F.R. 1.181 to Withdraw the Holding of Abandonment (4 pages); and Exhibits A-K (31 pages).

If your receipt of this transmission is in error, please notify this firm immediately by collect call to sender at (212) 836-3726 and send the original transmission to us by return mail at the address below.

This transmission is intended for the sole use of the individual and entity to whom it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. You are hereby notified that any dissemination, distribution or duplication of this transmission by someone other than the intended addressee or its designated agent is strictly prohibited.

DARBY & DARBY P.C.  
P.O. Box 5257, New York, New York 10150-5257  
Telephone: (212) 527-7700 Facsimile: (212) 753-6237

DEC 12 2003

003/037

Express Mail Label No.

Dated: \_\_\_\_\_

**OFFICIAL**Docket No.: 03795/000J514-US0  
(PATENT)**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****In re Patent Application of:**  
**Harold Cote, et al.****Application No : 09/891,875****Confirmation No.: 9036****Filed: June 25, 2001****Art Unit: 3713****For: COMPUTER GAMBLING GAME****Examiner: K. Nguyen****REQUEST UNDER 37 C.F.R. §1.181 TO WITHDRAW THE HOLDING  
OF ABANDONMENT OF THE ABOVE-REFERENCED APPLICATION**

MS Non Fee Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Responsive to the Notice of Abandonment mailed November 17, 2003, Applicants respectfully assert that for the following reasons, the withdrawal of the holding of abandonment is in order.

1. The above application was filed unexecuted on June 25, 2001. The stamped postcard indicates that this application was granted a serial number of 09/891,875 and a filing date of June 25, 2001. A copy of Applicant's stamped postcard indicating that the application was received by the PTO is enclosed as **Exhibit A**.

2. Applicants subsequently received a Notice to File Missing Parts of Non-Provisional Application which was mailed on August 17, 2001, which indicated that, *inter alia*, the oath or declaration was unsigned. A copy of the Notice to File Missing Parts is enclosed as **Exhibit B**.

{W:\03795\000J514-000\00096243.DOC (FAXED 12/12/2003)}

Application No.: 09/891,875

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Docket No.: 03795/000J514-US0

3. In response to the Notice to file Missing Parts, Applicants filed a Petition on March 18, 2002 to permit the assignee of the above-identified patent application to make the application for patent on behalf of itself and a non-signing inventor under 37 C.F.R. 1.47. A copy of the Petition is enclosed as **Exhibit C**.

4. On August 1, 2002, a Decision Refusing Status under 37 C.F.R. 1.47(a) was mailed to the Office of the undersigned based on the reasoning that:

Petitioner has failed to establish that the inventor has been presented with the full application and has refused to sign the declaration (the proof of the pertinent events must be made by a statement of someone with first hand knowledge of the events with support of the registered practitioner prosecuting this matter) or cannot be reached.

A copy of the entire application must be sent to the last known address of the non-signing inventor with a request that he/she sign the declaration for the patent application. A forwarding address should be requested, if the papers are returned, and other attempts to locate the inventor, e.g. through e-mail or the telephone continue to fail, then applicant will have established that the inventor cannot be reached. Alternatively, an oath or declaration for the patent application in compliance with 37 C.F.R. §§1.63 and 1.64 must be presented. The declaration must set forth the inventor's residence, citizenship and post office address. An oath or declaration in compliance with 37 C.F.R. §§1.63 and 1.64 signed by the Rule 1.47 applicant is required.

The Decision set a due date for response which was two (2) months from the mail date of the Decision, where extensions of time under 37 C.F.R. §1.136 were available. A copy of the Decision is attached as **Exhibit D**.

5. In response to the Decision Refusing Status under 37 C.F.R.1.47(a), Applicants filed a Request for Reconsideration of Petition on December 4, 2002. The Request for Reconsideration included a statement authorizing the "Commissioner to charge any deficiency or credit any excess in fees to Applicants' deposit account. The record indicates that a request for a two month extension was in order. It was also proper to charge Applicants' deposit account the required fee. A copy of the Request for Reconsideration is attached as **Exhibit E**. A copy of the postcard indicating receipt of the Request for Reconsideration is enclosed as **Exhibit F**.

{W:\03795\000J514-000\00096243.DOC [REDACTED]}

Application No.: 09/891,875

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Docket No.: 03795/000J514-US0

6. On March 6, 2003, a telephone conversation was held between Senior Petitions Officer Mr. John J. Gillon, Jr. and the Office of the undersigned. During the telephone conversation, counsel was requested to submit a translation of an October 17, 2000 letter, "which letter counsel contends supports the allegation that the entire application was sent to the non-signing inventor."

7. On March 7, 2003, a Request for Information was mailed to the Office of the undersigned, confirming the subject matter of the telephone conversation held on March 6, 2003, and setting a date for submittal of the translation on or before March 12, 2003. A copy of the Request for Information is attached as **Exhibit G**.

On March 10, 2003, Applicants provided, by facsimile to Mr. John J. Gillon, Jr., a translation of the October 17, 2000 letter, as well as a signed verification of the translation. A copy of the March 10, 2003 transmission, the certification of facsimile transmission, and the transmission report are attached as **Exhibit H-J**, respectively.

8. Applicants have subsequently received a Notice of Abandonment which was mailed to the Office of the undersigned on November 17, 2003, indicating that the application is abandoned because "no reconsideration was submitted within the set time period on the petition mailed." A copy of the Notice of Abandonment is enclosed as **Exhibit K**.

9. Applicants respectfully assert that there was no delay in filing the Request for Reconsideration since the record clearly indicates that the request was submitted within the time period indicated on the Request for Information (**Exhibit G**) that was mailed on March 7, 2003. Inasmuch as the record clearly indicates that Applicants filed the required response within the established time period for responding and Applicants possessed a Deposit Account with the Patent and Trademark Office, Applicants respectfully maintains that the abandonment of the application was improper and therefore, reconsideration and withdrawal of the holding of abandonment is respectfully requested.

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Application No : 09/891,875

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Docket No.: 03795/000J514-US0

Based on the foregoing remarks, this application should be in condition for allowance. Early passage of this case to issue is respectfully requested. However, if there are any questions regarding this Response, or the application in general, a telephone call to the undersigned would be appreciated since this would expedite the prosecution of the application for all concerned.

Dated: December 12, 2003

Respectfully submitted,

By   
Alphonse A. Collins

Registration No.: 43,559  
DARBY & DARBY P.C.  
P.O. Box 5257  
New York, New York 10150-5257  
(212) 527-7700  
(212) 753-6237 (Fax)  
Attorneys/Agents For Applicant

{W:\03795\000J514-000\00096243.DOC [REDACTED] }

12/12/2003 10:26 FAX 212 753 6237

DARBY & DARBY PC

007/037

Exhibit A

TO: Steve Marce Collozo  
FROM: Records Dept LMG  
DATE: 7/3/01

THIS APPLICATION WAS FILED WITHOUT A DECLARATION. BELOW IS A COPY OF THE STAMPED POSTCARD. NOW WOULD BE A GOOD TIME TO PREPARE A DECLARATION AND HAVE IT EXECUTED.

Return of this card properly stamped, will acknowledge receipt of:

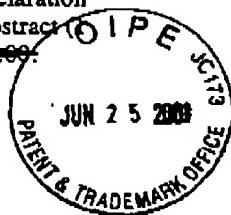
PCT Continuation Application: Transmittal Letter (2 pages);  
Patent Fee Computation Sheet (1 page); UNSIGNED Declaration  
(3 pages); Specification (28 pages), Claims (7 pages); Abstract (1 page)  
Drawings (4 sheets); ~~checklist~~ ~~6/25/01~~

Applicants : Harold COTE, et al.  
Serial No. : Not Yet Assigned  
Filed : Concurrently  
For : COMPUTER GAMBLING GAME  
File No. : 3795/0J514US0

Tec  
Mailed: 6/25/01 Mailer: DP

10821 U.S. PTO  
09/891875 62706743677US

06/25/01



12/12/2003 10:26 FAX 212 753 6237

DARBY & DARBY PC

009/037

Exhibit B

Page 1 of 1

*AAC*

## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
 UNITED STATES PATENT AND TRADEMARK OFFICE  
 WASHINGTON, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/891,875	06/25/2001	Harold Cote	3795/0J514US0

CONFIRMATION NO. 9036

## FORMALITIES LETTER



\*OC000000006441001\*

DARBY & DARBY P.C.  
 805 Third Avenue  
 New York, NY 10022

**DUE:** October 17, 2001  
**Docketed on** 8/27/01 **by** DD **for**  
**Docketed without file**   
**Attorney** HK

Date Mailed: 08/17/2001  
*3-17-02*

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 355 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).*
- Total additional claim fee(s) for this application is \$166.
  - \$128 for 14 total claims over 20.
  - \$40 for 1 independent claims over 3.
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 586.**

---

*A copy of this notice MUST be returned with the reply.*

*DU*

Customer Service Center  
 Initial Patent Examination Division (703) 308-1202  
 PART 1 - ATTORNEY/APPLICANT COPY

12/12/2003 10:27 FAX 212 753 6237

DARBY & DARBY PC

011/037

Exhibit C

## EXPRESS MAIL CERTIFICATE

Date 3/18/02Label No. EU 039140247as  
I hereby certify that, on the date indicated above, this paper or  
fee was deposited with the U.S. Postal Service & that it was  
addressed for delivery to the Assistant Commissioner for  
Patents, Washington, DC 20231 by "Express Mail Post Office to  
Addressee" service.Name (Print) Darby & Darby

Signature

PLEASE CHARGE ANY DEFICIENCY UP TO \$300.00 OR  
CREDIT ANY EXCESS IN THE FEES DUE WITH THIS  
DOCUMENT TO OUR DEPOSIT ACCOUNT NO. 04-0100

Customer No.:



07278

PATENT TRADEMARK OFFICE

Docket No.: 3795/0J514US0

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Harold COTE, et al.

Serial No.: 09/891,875

Group Art Unit: 3713

Filed: June 25, 2001

Examiner: not yet assigned

For: COMPUTER GAMBLING GAME

PETITION UNDER 37 C.F.R. §1.47(a)**Box DAC**Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

This is a petition to permit the assignee of the above-identified patent application to make the application for patent on behalf of itself and a non-signing inventor under 37 C.F.R. § 1.47.

It respectfully requested that the Patent and Trademark Office permit this application to be made by INGENIO, filiale de Loto-Québec Inc. on behalf of Harold Côté who has refused to execute the Declaration and Power of Attorney of the application.

INGENIO, filiale de Loto-Québec Inc. is the owner of this patent application and the

underlying invention by an assignment from Harold Côté and Stephan Giard in corresponding application PCT/CA99/01228 filed on December 12, 1999. The relevant assignment accompanies this petition.

Upon information and belief, the pertinent facts are as follows:

The last known address for non-signing inventor Harold Côté is 1728 Rue St-Christophe, Montreal, Quebec, CANADA H2L 3W8.

On or about July 23, 2001, the office of the undersigned forwarded a copy of the present patent application including the drawings, and Declaration and Power of Attorney for execution by Harold Côté and Stephan Giard. (Exhibit A)

July 26, 2001, the office of the undersigned was informed by way of email that Harold Côté refused to sign the Declaration because of certain language in the declaration that he objected too. (Exhibit B)

On September 20, 2001, the undersigned sent an amended Declaration and Power of Attorney for execution by Harold Côté and Stephan Giard. (Exhibit C)

To date an executed Declaration and Power of attorney has not been received for filing in response to the attached copy of the Notice to File Missing Parts (Exhibit D), based on Harold Côté's ongoing refusal to sign the Declaration and Power of Attorney.

Neither INGENIO, filiale de Loto-Québec Inc nor the undersigned received any further response from Mr. Côté..

To date, Harold Côté has not signed the declaration and is therefore effectively refusing to sign the application.

This petition is necessary to preserve the rights of the signing inventor, Stephan Giard and assignee, INGENIO, filiale de Loto-Québec Inc., in this application.

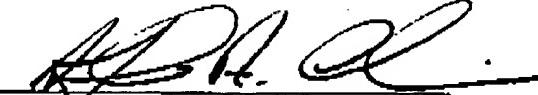
A check for the fee set forth in 37 C.F.R. §1.17(h) in the amount of \$130.00 is enclosed. The Commissioner is authorized to charge any deficiency or credit any excess in this fee to Deposit Account No. 04-0100.

Unless the Patent and Trademark Office permits this application to be made by the assignee, on behalf of the non-signing inventor, the right to obtain a United States patent for the underlying invention will be lost.

For the reasons set forth above and in light of the facts set forth in the accompanying Declarations of Harold Côté and Stephan Giard, it is respectfully requested that the Patent and Trademark Office grant this petition and permit this application to be made by INGENIO, filiale de Loto-Québec Inc. on behalf of the non-signing inventor.

Respectfully submitted,

Dated: March 15, 2002

  
Alphonso A. Collins  
Reg. No. 43,559  
Attorney for Applicant(s)

DARBY & DARBY P.C.  
805 Third Avenue  
New York, NY 10022  
212-527-7700

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12/12/2003 10:28 FAX 212 753 6237

DARBY & DARBY PC

015/037

Exhibit D



## UNITED STATES PATENT AND TRADEMARK OFFICE

DUE: October 1, 2002Docketed on 8/7 by DP forDocketed without file DARBY & DARBY P.C.  
805 THIRD AVENUE  
NEW YORK NY 10022COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

JJOJ:07-02

Paper 9

## COPY MAILED

AUG 1 2002

21 - 03

OFFICE OF PETITIONS

In re Application of  
 Cote, et al.  
 Application No. 09/891,875  
 Filed: 25 June, 2001  
 Attorney Docket No. 3795/0J514USO

DECISION REFUSING  
 STATUS UNDER  
 37 C.F.R. §1.47(a)

This is a decision on the petition under 37 C.F.R. §1.47(a),<sup>1</sup> filed on 16 March, 2002, and supplemented via FAX on 30 July, 2002.

The petition is DISMISSED.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. Any response should be entitled "Request for Reconsideration of Petition Under 37 C.F.R. §1.47(a)" and may include an oath or declaration executed by the inventor.

Failure to respond will result in abandonment of the application.

#### BACKGROUND

The record indicates:

- the application was filed on 25 June, 2001, without an executed oath or declaration for the first-named inventor Harold Côté (Mr. Côté);
- accordingly, a Notice to File Missing Parts of Application was mailed on 17 August, 2001, requiring an executed oath or declaration, and a surcharge for the late filing;
- counsel filed concurrently with the petition the fee, the surcharge for late filing, and certain correspondence (letter of 23 July, 2001, Email of 26 July, 2001, and letter of 20 September, 2001), however, rather than evidencing the pertinent facts establishing that the inventor was first presented with a copy of the complete application, yet refuses to sign or

<sup>1</sup> The regulations at 37 C.F.R. §1.47 provide:

§ 1.47 Filing when an inventor refuses to sign or cannot be reached.  
 (a) If a joint inventor refuses to join in an application for patent or cannot be found or reached after diligent effort, the application may be made by the other inventor on behalf of himself or herself and the nonsigning inventor. The oath or declaration in such an application must be accompanied by a petition including proof of the pertinent facts, the fee set forth in § 1.17(h), and the last known address of the nonsigning inventor. The nonsigning inventor may subsequently join in the application by filing an oath or declaration complying with § 1.63.  
 (b) Whenever all of the inventors refuse to execute an application for patent, or cannot be found or reached after diligent effort, a person to whom an inventor has assigned or agreed in writing to assign the invention, or who otherwise shows sufficient proprietary interest in the matter justifying such action, may make application for patent on behalf of all inventors for all of the inventors. The oath or declaration in such an application must be accompanied by a petition including proof of the pertinent facts, a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage, the fee set forth in § 1.17(h), and the last known address of all of the inventors. An inventor may subsequently join in the application by filing an oath or declaration complying with § 1.63.  
 (c) The Office will send notice of the filing of the application to all inventors who have not joined in the application at the address(es) provided in the petition under this section, and publish notice of the filing of the application in the Official Gazette. The Office may dispense with this notice provision in a continuation or divisional application, if notice regarding the filing of the prior application was given to the nonsigning inventor(s). [47 Fed. Reg. 41275, Sept. 17, 1982, effective Oct. 1, 1982; 48 Fed. Reg. 2709, Jan. 20, 1983, effective Feb. 27, 1983; revised, 62 Fed. Reg. 53131, Oct. 10, 1997; revised, 65 Fed. Reg. 54604, Sept. 8, 2000, effective Nov. 7, 2000]

Application No. 09/891,875

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cannot be found or reached after diligent effort,<sup>2</sup> the materials demonstrate that only the oath/declaration and an assignment document were submitted to Mr. Côté.

## **ANALYSIS**

Petitioner has failed to establish that the inventor has been presented with the full application and has refused to sign the declaration (the proof of the pertinent events must be made by a statement of someone with first hand knowledge of the events with support of the registered practitioner prosecuting this matter) or cannot be reached.

A copy of the entire application must be sent to the last known address of the non-signing inventor with a request that he/she sign the declaration for the patent application. A forwarding address should be requested, if the papers are returned, and other attempts to locate the inventor, e.g. through e-mail or the telephone continue to fail, then applicant will have established that the inventor cannot be reached. Alternatively, an oath or declaration for the patent application in compliance with 37 C.F.R. §§1.63 and 1.64 must be presented. The declaration must set forth the inventor's residence, citizenship and post office address. An oath or declaration in compliance with 37 C.F.R. §§1.63 and 1.64 signed by the Rule 1.47 applicant is required.<sup>3</sup>

Further correspondence with respect to this matter should be addressed as follows:

**By mail:** Commissioner of Patents and Trademarks  
Box DAC  
Washington, D.C. 20231

**By FAX:** (703) 308-6916  
Attn: Office of Petitions

**By hand:** Crystal Plaza Four, Suite CP4-3C23  
2201 South Clark Place  
Arlington, VA 22202

Telephone inquiries concerning this matter may be directed to the undersigned at (703) 305-9199.

**John T. Gillon, Jr.**  
**Senior Attorney**  
**Office of Petitions**  
**Office of the Deputy Commissioner**  
**for Patent Examination Policy**

<sup>2</sup> The submission should include: (a) a declaration of the registered attorney(s)/agent(s) and other authority(ies) attempting the contact, outlining the efforts and the results; and (b) documentation (such as a copy of the transmittal letter(s) and delivery disposition document(s) supporting that (those) declaration(s).\*

<sup>3</sup> See: MPEP 409.03(b).

12/12/2003 10:29 FAX 212 753 6237

DARBY & DARBY PC

018/037

Exhibit E

## EXPRESS MAIL CERTIFICATE

Date

12/4/02

Label No.

E20849674518

I hereby certify that, on the date indicated above, this paper or fee was deposited with the U.S. Postal Service & that it was addressed for delivery to the Assistant Commissioner for Patents, Washington, DC 20231 by "Express Mail Post Office to Addressee" service.

Name (Print)

*S. Stanton*

Signature

PLEASE CHARGE ANY DEFICIENCY UP TO \$300.00 OR  
CREDIT ANY EXCESS IN THE FEES DUE WITH THIS  
DOCUMENT TO OUR DEPOSIT ACCOUNT NO. 04-0100

Customer No.:



07278

PATENT TRADEMARK OFFICE

Docket No.: 3795/0J514US0

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Harold COTE, et al.

Serial No.: 09/891,875

Group Art Unit: 3713

Filed: June 25, 2001

Examiner: To Be Assigned

For: COMPUTER GAMBLING GAME

---

REQUEST FOR RECONSIDERATION OF  
PETITION UNDER 37 C.F.R. §1.47(a)

Box DAC

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

This is a petition to permit the assignee of the above-identified patent application to make the application for patent on behalf of itself and a non-signing inventor under 37 C.F.R. § 1.47.

It is respectfully requested that the Patent and Trademark Office permit this application to be made by INGENIO, filiale de Loto-Québec Inc. on behalf of Harold Côté who has refused to execute the Declaration and Power of Attorney of the application.

INGENIO, filiale de Loto-Québec Inc. is the owner of this patent application and the

underlying invention by an assignment from Harold Côté and Stephan Giard in corresponding application PCT/CA99/01228 filed on December 12, 1999. The relevant assignment accompanies this petition (Exhibit A).

Upon information and belief, the pertinent facts are as follows:

The last known address for non-signing inventor Harold Côté is 1728 Rue Saint-Christophe, Montreal, Quebec, CANADA H2L 3W8.

On or about August 28, 2002, the office of the undersigned forwarded a copy of the present patent application including the drawings, and Declaration and Power of Attorney for execution by Harold Côté (Exhibit B).

On November 27, 2002, the office of the undersigned was informed by mail that Harold Côté refused to sign the Declaration (Exhibit C).

Currently with the notification, an Affidavit of the registered attorney, agent(s) and other authority(ies) attempting the contact, outlining the efforts and the results; as well as documentation (such as a copy of the transmittal letter(s) and delivery disposition document (s)) supporting this Request for Reconsideration is being submitted herewith (Exhibit D).

To date an executed Declaration and Power of attorney for filing in response to the attached copy of the Notice to File Missing Parts (Exhibit E) has not been received, based on Harold Côté's ongoing refusal to sign the Declaration and Power of Attorney.

Neither INGENIO, filiale de Loto-Québec Inc nor the undersigned received any further response from Mr. Côté.

To date, Harold Côté has not signed the declaration and is therefore effectively refusing to sign the application.

This petition is necessary to preserve the rights of the signing inventor, Stephan Giard and assignee, INGENIO, filiale de Loto-Québec Inc., in this application.

A check for the fee set forth in 37 C.F.R. §1.17(h) in the amount of \$130.00 is enclosed.

The Commissioner is authorized to charge any deficiency or credit any excess in this fee to Deposit Account No. 04-0100.

Unless the Patent and Trademark Office permits this application to be made by the assignee, on behalf of the non-signing inventor, the right to obtain a United States patent for the underlying invention will be lost.

For the reasons set forth above and in light of the facts set forth in the accompanying Declarations of Harold Côté and Stephan Giard, it is respectfully requested that the Patent and Trademark Office grant this petition and permit this application to be made by INGENIO, filiale de Loto-Québec Inc. on behalf of the non-signing inventor.

Respectfully submitted,

Dated: December 4, 2002



Alphonso A. Collins  
Reg. No. 43,559  
Attorney for Applicant(s)

DARBY & DARBY P.C.  
805 Third Avenue  
New York, NY 10022  
212-527-7700

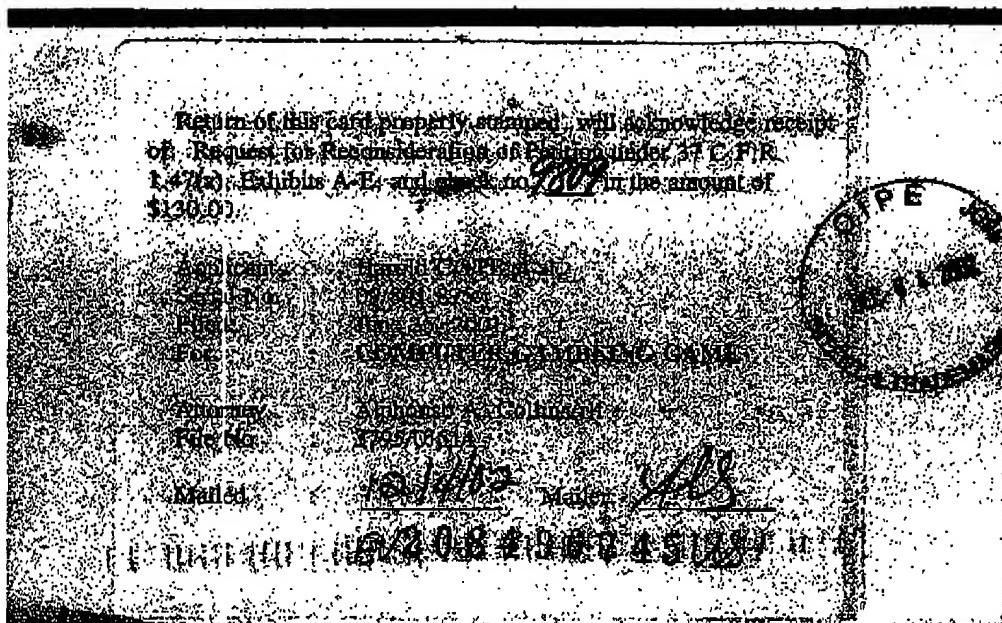
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12/12/2003 10:30 FAX 212 753 6237

DARBY & DARBY PC

022/037

Exhibit F



12/12/2003 10:31 FAX 212 753 6237

DARBY & DARBY PC

024/037

Exhibit G



## UNITED STATES PATENT AND TRADEMARK OFFICE

DARBY & DARBY P.C.  
805 THIRD AVENUE  
NEW YORK NY 10022

TO: AAC  
ATTY REVIEWED \_\_\_\_\_  
DATE: MAR

COMMISSIONER FOR PATENT  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)

JJC/JR:07-02

Paper 9

COPY MAILED

MAR 07 2003

## OFFICE OF PETITIONS

In re Application of  
Cote, et al.  
Application No. 09/891,875  
Filed: 25 June, 2001  
Attorney Docket No. 3795/0J514US0

## REQUEST FOR INFORMATION

This is a letter confirming the telephone conversation of 6 March, 2003, with Counsel, Alphonso Collins (Reg. 43,559), whereby Counsel was requested to submit a translation of the 17 October, 2002, letter, which letter Counsel contends supports the allegation that the entire application was sent to the non-signing inventor.

The translation is to be submitted on or before 12 March, 2003.

Failure to respond timely will result in dismissal of the pending petition under 37 C.F.R. §1.47, and so may result in abandonment of the application.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner of Patents and Trademarks  
Box DAC  
Washington, D.C. 20231

By FAX: (703) 308-6916  
Attn: Office of Petitions

By hand: Crystal Plaza Four, Suite CP4-3C23  
2201 South Clark Place  
Arlington, VA 22202

Telephone inquiries concerning this matter may be directed to the undersigned at (703) 305-9199.



John J. Gillon, Jr.  
Senior Attorney  
Office of Petitions

12/12/2003 10:31 FAX 212 753 6237

DARBY & DARBY PC

026/037

Exhibit H

**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this paper or, if this paper is a transmittal letter, every other paper or fee referred to therein, is being facsimile transferred to the Commissioner of Patents & Trademarks at the United States Patent and Trademark Office, Washington, DC 20231, on the date shown below

PLEASE CHARGE ANY DEFICIENCY UP TO \$300.00 OR CREDIT ANY EXCESS IN THE FEES DUE WITH THIS DOCUMENT TO OUR DEPOSIT ACCOUNT NO. 04-0100

3/10/03 Richelle Flowers  
Date Name  
Richelle Flowers  
Signature

Docket No.: 3795/0J514

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Harold COTE et al.

Serial No.: 09/891,875

Art Unit: 3713

Filed: June 25, 2001

Examiner: To Be Assigned

For: COMPUTER GAMBLING GAME

**VERIFICATION OF A TRANSLATION**

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

I, Alphonso A. Collins, hereby declare as follows:

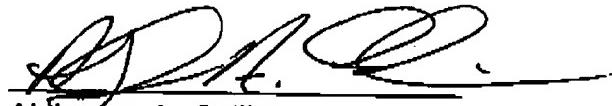
My name and post office address are as stated below;

I believe the attached English translation of the attached foreign language document is a true and complete translation thereof;

All statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true; and further these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the above-identified patent application or any patent issued thereof.

Respectfully submitted,

Date: March 10, 2003



Alphonso A. Collins  
Reg. No. 43,559  
Attorney For Applicant(s)

DARBY & DARBY P.C.  
Post Office Box 5257  
New York, NY 10150-5257  
(212) 527-7700

-2-

M:\3795\0J514\RLF0934.WPD \*3795\0J514\*

**S/N 09/891,875****Translation of ANNEX C****3795/0J514**

Monsieur Cote,

You can find a with this a complete copy of what you asked for including the drawings and also the document entitled "Declaration and power of attorney."

We pray that you return the "Declaration and power of attorney" signed with the most brief delay, before:

**17 November 2002**

Please receive my sincere salutations.

Goudreau Gage Dubuc

(M:\3795\0J514\AA\C5040.DOC "3795/0J514")

## ANNEX C

Ligne directe : (514) 397-5195  
 Courriel : gbruneau@ggd.com  
 Notre réf. : GB/13414.15

Le 17 octobre 2002

**COURRIER RECOMMANDÉ**

Monsieur Harold Côté  
 1728, rue Saint-Christophe  
 Montréal (Québec)  
 H2L 3W8

Objet: COMPUTER GAMBLING GAME  
 Demande de brevet aux États-Unis n° 09/981,875  
 déposée le 25 juin 2001

Monsieur Côté,

You can find with this a complete copy of what you asked for.  
 Veuillez trouver ci-joint une copie complète de la demande incluant les dessins ainsi que le document intitulé "Declaration and power of attorney".  
*the drawing and also the document entitled, —*

We pray that you return the  
 Nous vous prions de nous retourner la "Declaration and power of attorney" signée  
dans les plus brefs délais, soit avant le :

ASAP

before

17 novembre 2002.

Veuillez recevoir, Monsieur Côté, nos salutations distinguées.

Please receive my sincere salutation, Goudreau Gage Dubuc

Bruneau Gwendoline  
 Agent de brevets stagiaire

Julie Gauvreau  
 Agent de brevets

GB/JG/gb  
 p.j.

12/12/2003 10:32 FAX 212 753 6237

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031/037

Exhibit I

**DARBY &  
DARBY**

805 Third Avenue  
New York, NY 10022  
Tel: (212) 527-7700  
Fax: (212) 753-6237

ATTORNEY DOCKET NO.:3795/0J514DATE: March 10, 2003**TELECOPIER TRANSMISSION COVER SHEET**NUMBER TRANSMITTING TO: 1-703-308-6916TO: **United States Patent and Trademark Office**EXAMINER: John J. Gillon, Jr.ART UNIT: 3713FROM: Alphonso A. CollinsPAPER(S) BEING TRANSMITTED: Verification of a Translation; with a copy of the foreign language document and English translationNO. OF PAGES (INCLUDING COVER SHEET): 5

COMMENTS:

**CERTIFICATION OF FACSIMILE TRANSMISSION**Serial No.: 09/891,875Filed: June 25, 2001

I hereby certify that these papers are being facsimile transferred to the United States Patent and Trademark Office on the date shown below.

Rochelle Flowers

Name

Rochelle Flowers

Signature

March 10, 2003

Date

12/12/2003 10:32 FAX 212 753 6237

DARBY & DARBY PC

033/037

Exhibit J

\*\*\*\*\*  
\*\*\* TX REPORT \*\*\*  
\*\*\*\*\*

TRANSMISSION OK

TX/RX NO	0285
CONNECTION TEL	9170330869163795
SUBADDRESS	
CONNECTION ID	
ST. TIME	08/10 12:32
USAGE T	01'24
PGS. SENT	5
RESULT	OK

DARBY &  
DARBY

805 Third Avenue  
New York, NY 10022  
Tel: (212) 527-7700  
Fax: (212) 753-6237

ATTORNEY DOCKET NO.:3795/0J514DATE: March 10, 2003**TELECOPIER TRANSMISSION COVER SHEET**NUMBER TRANSMITTING TO: 1-703-308-6916TO: **United States Patent and Trademark Office**EXAMINER: John J. Gillon, Jr.ART UNIT: 3713FROM: Alphonso A. CollinsPAPER(S) BEING TRANSMITTED: Verification of a Translation; with a copy of the foreign language document and English translationNO. OF PAGES (INCLUDING COVER SHEET): 5

COMMENTS:

**CERTIFICATION OF FACSIMILE TRANSMISSION**Serial No.: 09/891 875

PAGE 34/37 \* RCVD AT 12/12/2003 10:23:25 AM [Eastern Standard Time] \* SVR:USPTO-EFXRF-1/4 \* DNIS:8729306 \* CSID:2127536237 \* DURATION (mm:ss):09:40

12/12/2003 10:33 FAX 212 753 6237

DARBY & DARBY PC

035/037

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED

Exhibit K



## UNITED STATES PATENT AND TRADEMARK OFFICE

*Alphonso* *Collins*

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/891,875	06/25/2001	Harold Cote	3795/0JS14	9036

7590 11/17/2003

DARBY & DARBY P.C.  
 805 Third Avenue  
 New York, NY 10022

EXAMINER

NGUYEN, KIM T

ART UNIT

PAPER NUMBER

3713

10

DUE: Petition To ReviveDocketed on 11/25 by DP for DATE MAILED: 11/17/2003Docketed without file 11/25Attorney 11/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

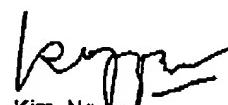
<b>Notice of Abandonment</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/891,875	COTE ET AL.	
	Examiner	Art Unit	
	Kim Nguyen	3713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1.  Applicant's failure to timely file a proper reply to the Office letter mailed on \_\_\_\_\_.  
 (a)  A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.  
 (b)  A proposed reply was received on \_\_\_\_\_ but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
     (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).  
 (c)  A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).  
 (d)  No reply has been received.
  
2.  Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).  
 (a)  The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).  
 (b)  The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
     The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.  
 (c)  The issue fee and publication fee, if applicable, has not been received.
  
3.  Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).  
 (a)  Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.  
 (b)  No corrected drawings have been received.
  
4.  The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
  
5.  The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
  
6.  The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
  
7.  The reason(s) below:

No reconsideration was submitted within the set time period on the petition mailed.



Kim Nguyen  
Primary Examiner  
Art Unit 3713

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.